19 43

Department of ~~Bd of~~ Revenue

OFFICE Bd of Revenue

STATION Salem

Mis No. 7-(5)

Dated 25/1/43

25 JAN 1943

Pages in the fi

(SUBJECT.)

Escheat. S. Kanara – Puttur Taluk – Karaya and Dharmasthala villages – Real properties –

Urgent. Ref.C.No.3886-42. South Kanara Collector's Office,
Mangalore, dated 26 - 11 -1942.

From

M. Karamatullah, Esq., I.C.S.,
Collector of South Kanara.

The Secretary to the Board,
Land Revenue and Irrigation,
S a l e m.

Sir,

Escheat - Real properties -Puttur taluk -Karaya and Thannirpantha villages -outright sale -sanction requested.

In Board's proceedings No. 790 Mis. dated 8-4-26, the Board of Revenue declared escheat the entire property left by one Panjikudel Narayana in Karaya and Thannirpantha villages of Puttur taluk and authorized the Collector to file a suit for the recovery of possession of the said property. After the suit for possession was decreed in favour of Government in O.S. 67-26 on the file of the Sub court, Kangalore the property of Karaya village came into the possession of Government on 10-12-29 and that of Thannirpantha village on 10-7-30. As twelve years are now over since the Government got possession of these properties, they are now ripe for disposal under the provisions of B.S.O. 197-7.

2. The full details of the properties and their estimated market value are given in the enclosed tabular statement. The total market value of the whole estate as estimated by the Tahsildar, Puttur, comes to Rs. 6721-13-0. The Tahsildar's valuation is based on annual net income estimated with reference to the income of similar lands in the neighbourhood. The rent which was being collected by the Government in respect of the estate during all these years was 90 muras of rice and Rs. 12-0-0 in cash per year. Calculating rice at the rate of Rs.3-0-0 per mura and deducting the assessment of Rs. 100-14-0 out of the rent, the annual net income comes to Rs. 361-2-0. Capitalizing the net income at 4% the total market value of the estate comes to Rs. 9028-2-0. But enquiry shows that the present tenants of the estate are old ones who preferred to pay a rent of 90 muras of rice and Rs.12-0-0 in cash per year with a view to continue their residence there though the properties are not so productive as to yield a rent of 90 muras of rice and Rs. 12-0-0. The estimated value as reported by the Tahsildar seems, therefore, to be more reasonable than that calculated on the basis of the actual rent received by the Government. The Tahsildar, however, states that the value of land being rather high just at present, a better price than the estimated value may be got if the properties are put to sale expeditiously.

3. An amount of Rs. 8-12-9 is due annually from the estate of Karaya village to Thekkar Adishwar Basti Dev a religious institution, by way of tasdik under the assignment system. When this estate is sold by the Government the sale will have to be held subject to this liability of a permanent nature.

4. I, therefore, request that the Board may be pleased to sanction the disposal of the aforesaid estate by sale in public auction.

Enclosure.
Copy of statement at page 7 c.f.

28/11/42

For Collector.

28.XI.42

Subject ourstep.
in the Collector of S. Kanara Ref C. No 5586.42
dt 26.11.42 –

Refce. F. A 3700/42-1 dt 2-12-42

1942
dt 4/12/42

The Curator, MRO is requested to send urgently B. P. No Mis 790 dt 8.4.26 as it reqd for the disposal of A 3700/42.

1.12.42

Vo
1.12.42

To
The Curator
MRO
Chittor

The description, extent, assessment and the market value of the escheated estates of Panjikudel Narayana, in Karaya and Thannirpantha villages

Survey and Subdivision numbers.		Description.	Extent	Assessment	Market value.	Rate per acre.	Remarks.
				Rs.as.ps	Rs.as.ps.	Rs.as.ps.	
				No.151 Karaya.			
2	1	III Wet.	0.57	0.15. 0	91. 3. 0	160. 0. 0	
	2	Garden.	1.10	2. 8. 0	49. 8. 0	45. 0. 0	
	3	I Wet.	7.31	51.10. 0	3837.12. 0	525. 0. 0	
	4	Dry.	1.20	1. 3. 0	30. 0. 0	25. 0. 0	
	5	III Wet.	0.74	1. 4. 0	118. 6. 0	160. 0. 0	
	7	I Wet.	0.75	5. 5. 0	393.12. 0	525. 0. 0	
	8	III Wet.	3.76	8. 7. 0	601.10. 0	160. 0. 0	
	9	III Wet.	4.02	9. 1. 0	643. 3. 0	160. 0. 0	
	10	Garden.	3.27	11. 1. 0	147. 2. 0	45. 0. 0	
	11	III Wet.	0.68	1. 2. 0	108.13. 0	160. 0. 0	
	12	I Wet.	0.35	0.13. 0	183.12. 0	525. 0. 0	
					Total: 6205. 1. 0		
				No.137 Thannirpantha.			
65	1	I Wet.	1.00	7. 1. 0	525. 0. 0	525. 0. 0	
	2	Dry.	0.15	0. 2. 0	3.12. 0	25. 0. 0	
127	2	Dry.	0.72	0. 6. 0	18. 0. 0	25. 0. 0	
					Total: 546.12. 0		
					Grand Total: 6751.13. 0		

/True Copy/

28 XI/42.

For Collector.

28.XI.42

Sd/- B. Ganesh,
Tahsildar, 18.11.1942.

Escheat- South Kanara- ~~Real properties.~~
Puttur Taluk- Karaya and Thanniripantha village- ~~Hire~~ Outright sale
Sanctd.- properties in Nyayatarf village,
Further report- Called for.

~~From the Coll of S Kanara Ref. A.3. 3777-24 dt 22.2.26~~
~~to m 790 dt 8.4.26.~~
From the Ref. C.No 5586/42 dt 20.11.42 (2)

Rc-ptd 3700/42-1 dt 12.12.42

~~According to~~ In B.P. Mes 790 dt 8.4.26, the properties ~~that have been declared escheat comprised of~~ of Narayana in lands in the three villages of Karaya, Thanniripantha and Nyayatarf ~~The Collr's proposal for~~ were declared escheat to the Govt. ~~in accordance with~~ The Govt's proposal ~~of the Collr was~~ ~~disposal by~~ Sale ~~refers only to two items of the~~ properties ~~in~~ in Karaya and Thanniripantha villages. ~~As regard the lands in Nyayatarf~~ village, the Collr originally reported in the ref^ce first quoted above that they were sold to one Pakroji Beary for Rs 700 and the sale was not binding. This item of property and Pakroji Beary filed ~~place in the draft plaint originally approved by~~ ~~the Board and the~~ suit ~~was~~ (through the Collr) reported. That the decreed in favour of the Govt, ~~in the Circumstances~~, it is not ~~known~~ stated whether the possession of the lands in Nyayatarf was recovered ~~already~~ and if so why ~~it is~~ not they are now proposed to be ~~disposed of by sale~~ sold. The Collr is requested to report on these ~~para~~ points.

2/ In the circumstances reported by the Collr, ~~sanction is accorded for~~ the Board sanctions the disposal of the lands in Karaya and Thanniripantha villages by sale in public auction subject to a reserve price of Rs 6000, and to the liability referred to in para 3 of the Collr's letter. ~~second quoted above.~~

21.12.42

To The Collr of S. Kanara

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying.		
When copied	23/12	
When examined..	23/12	
When signed		
When despatched.		

F. W. S
SUBJECT :— (RG)

Escheat. S. Kanara – Puttur Taluk. Karaya and Thanniranthā villages – Real properties – Outright Sale – Sanctd – Properties in Nyayatāf village – Further report called for

READ AGAIN ..... dated 23 DEC 1942 ..... 194 .....

" " ..... " ..... 194 .....

READ *ALSO* :—

No. ..... From the B.P. Mis 790 of 8-4-26 (1)

" ..... " Coll of S. Kanara Ref. C. no 5586/42 of 26/11/42 (2)

" ..... " ..... " ..... 194 .....

Order ~~Ms.~~ Resolution Rout. No. Refee. I 3700/42-2 & 23-12-42 , dated ..... 194 .....

In B.P. Mis 790 of 8-4-26, the properties of Narayana in the three villages of Karaya, Thanniranthā and Nyayatāf were declared escheat and the Coll was authorised to file a suit for the recovery of the possession of the lands. The Coll's present proposal refers only to the disposal of the properties in Karaya and Thanniranthā villages. Though he has reported that the suit was decreed in favour of the Govt it is not stated whether the possession of the lands in Nyayatāf was recovered and if so why they are not now proposed to be sold. The Coll is requested to report on these points.

2/ In the circumstances

C.F. 16.

Sanctions the disposal of the Lands in Karaya and Thanniyanthra villages by Sale in public auction subject to a reserve price of Rs. 6000/- and also subject to the liability referred to in para 3 of the Collrs letter.

23.12.42

22.12.42

23

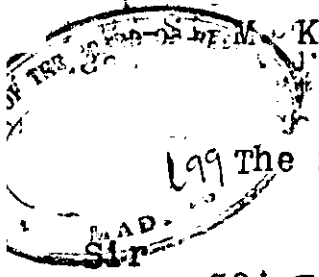
To

The Collr of S. Kanara

Ref. C.No. A 3. 5586-42. South Kanara Collector's Office Mangalore, dated 8-1-43.

From

M. Karamatullah Esq., I.C.S.
Collector of South Kanara.



To

The Secretary, Board of Revenue,
Land Revenue and Irrigation,
M a d r a s.

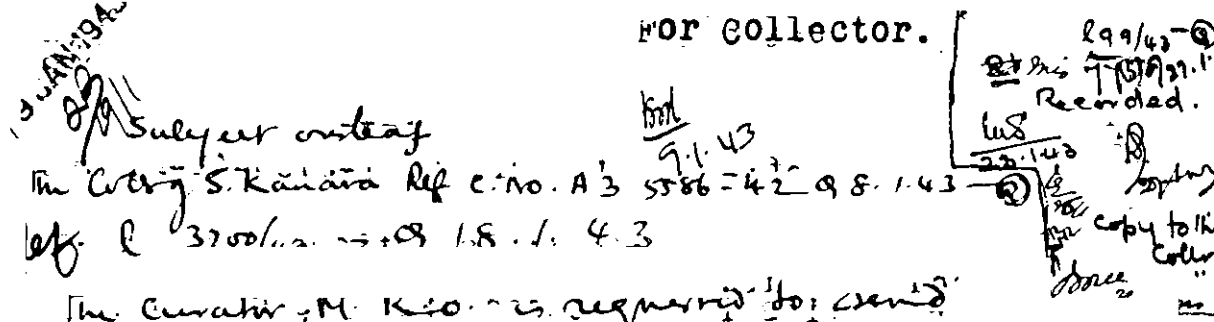
Sir,

Escheat-South Kanara-Puttur Taluk-Nyayatarf village Real properties-Outright sale-Not proposed-Report submitted.

Ref:-Board's Ref.No. 1-3700-42-2, dated 23-12-42.

Though the suit, sanctioned in the Board's proceedings Mis. 790 dated 8-4-26, was filed in respect of the properties in the three villages of Karaya, Thannirpantha

and Nyayatarf, the Sub-court had held that Government, could not recover possession of the properties in Nyayatarf village. This fact was reported to the Board in detail in this office Ref. A 3-3777-24, dated 19-11-29 and Board passed orders on it in B.P. Mis. 3672, dated 3-12-29 that no appeal against the decision of the court was necessary This was the reason why the possession of the lands in Nyayatarf was not recovered and why they were not proposed to be sold


For Collector.
Recorded.
Subject as stated
The Curator S. Kanara Ref C.No. A3 5586-42 dt 8.1.43
Ref C 3700/42 dt 18.1.43
The Curator, M. R. O. is requested to send
with B.P. Mis 3672 dt 3.12.29 and B.P. Mis 964
as they are required for C 3700/42 transfer
To the Curator
M.R.O. Chittoor

~~the amount of Rs. 700/- the sale proceeds of the lands was recovered from the 2nd defendant in the Suit~~

The Collr may be asked to report on the above point

3/ Regarding the properties in the villages of Karaya and Thanniripantha, the Collr has reported that the total market value of the whole estate as estimated by the Taly., Puttur comes to Rs 6751-13-0 and that the estimate is ~~reported to be~~ based on the annual net income estimated with refce to the income of similar lands in the neighbourhood. But the actual annual income of the lands ~~was~~ is 90 muras of rice and Rs 12- in cash ie the net ~~income capitalized~~ income of the estate after deducting the assessment comes to Rs 361-2-0 and the Capitalized market value on this basis works out to Rs 9028-2-0. But the Collr reports that the estate is not so productive as to yield the present annual income of 90 muras of rice and Rs 12 in cash, ~~unless the properties are in the occupation of~~ but that the present tenants, being old ~~ryots~~ ones prefer to pay this rent, and with a view to continue their residence there. In 1926, the market value of the ~~estate was~~ properties in these five villages was estimated at Rs 6888-0-0. In the circumstances, the value of the lands estimated at Rs 6751-13-0 by the Taly. Puttur, may be accepted for purpose of disposal. The Collr reports that a higher price than this estimated value is likely to be fetched if they are to be sold expeditiously in view of the higher prevailing prices of lands. Under S.O. 191-3 the Board is competent to sanction the disposal of escheated properties up to the value of Rs 10,000/- and this estate is within the Board's power to dispose of.

4/ It is reported that the lands are subject to a permanent liability of Rs 8-12-9 to be paid as tasdik under the assignment system. In the circumstances, sanction may be accorded for the disposal of these lands in Karaya and Thanniripantha

? At what rate of capitalization? Apparently you take 25 years. So may be correct.

Col 7/3:1:F

for disposal of disposal cmp 8550 197-3.

F 2198 8/28 6/2/31

villages by sale in public auction, ~~such~~ the sale being subject to the liability referred to in ~~the~~ above para 2 of the Collr's letter

MS 12.42

A may be approved & the land sold subject to a reserve price of Rs. 6000. The valuation at x is only an approximation, & more may realized.

RC 6/12

17/12/42

C.S. (1) Dy.
17 DEC 1942

ASSISTANT SECRETARY.
19 DEC 1942

To AS(9)

Draft submtd at p4 Cf

MS 12.42

How many cases were filed for the recovery of these lands? Where were they decreed in favour of govt? Is appeal time over? Are any appeals pending? I remember one such is pending in the HC. Does

To As(9)

As(9)'s queries at the bottom of p3 n/f.

It see the draft plaint submtd by the Colr and approved by the Board in 1926. Evidently only one suit was filed for the recovery of all the properties. Schedule B to the draft plaint relates to the lands in question viz S. Nos 27/3 and 31/2 of Nyayatarf village. The Colr in para 1 of his letter dt 26.11.42 has reported that after the suit for possession was decreed in favour of the Govt in O.S. 67-26 on the file of the Sub Court Bangalore, the properties were in Karaya and Thamirpantha villages were taken possession of. It is thus seen that the suit was decreed in favour of the Govt long before 10.12.29 and appeal seems to be pending on some question. The referred to by As(9) as pending in the H.C is probably the one relating to the Koothali rayar's estate of Malabar Dt.

The draft originally submtd at p4 n/f is neatly copied and submtd below for approval. 22.12.42

Approved. 28/12

From the Collector of S. Kanara dt 8.1.43

To AS(9)

The B.P. Mis 3672 dt 3-12-29 referd to in the colrs letter and B.P. Mis 969 dt 23.3.32 may be called for from the M.R.O urgently for refce

Draft submtd at pg cf.

8/3.1.43

From the Coll of S. Kanara dt 8.1.43.

To AS(9)

The Colls letter dt 8.1.43 is in response to para 1 of the Board's refce dt 23.12.42. It is seen that the Sub Court had held that Govt could not recover possession of the proposed Nyayatanf village. The

need be filed against the decision of the
Court. ~~[illegible]~~ Hence it is
that no proposal was submitted for the order for
a sale of these lands.

No further action is pending in the
case. It may be closed BC. mo ~~[illegible]~~

Draft submitted at the margin of page 4

B.P.No. Nil 75(S)
Dated 27.1.43

Single Member
Two Members
~~Full Board~~

I-A	D.D.S L.R.	Asst. Secy. ExR Irrgn. L.R	C. Ex-cise	J.S. Secy.	M 4	M 3	M 2	M 1

Open file seen by
Final draft seen by
Now circulated to

Initials.

30.1.43

Passed for records

Secretary
Jt.Secretary
A.S.(L.R.)
A.S.(Irrgn.)
A.S.(Excise.)
A.S.(Comml.Taxes.)
D.D.S.& L.R.
I-A.